

REMARKS

The following remarks are prepared in response to the Office Action mailed February 23, 2004. Claims 1-11 remain pending in the application.

The abstract was objected to because it contains more than 150 words. Claims 1-6 and 8-11 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Mezger et al. ("Mezger," U.S. Patent No. 5,781,871) in view of Scroggie (WO 97/23838). Claim 7 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Mezger in view of Park (U.S. Patent No. 5,627,549). Applicant respectfully traverses and requests reexamination.

Objection to the Specification

The Office Action objected to the abstract because it contains more than 150 words. Applicant has provided a replacement abstract that contains less than 150 words. Therefore, Applicant respectfully requests the Examiner to withdraw the objection to the specification in view of the replacement abstract.

Rejection Under 35 U.S.C. § 103(a)

Claim 1

Claim 1 recites a method of targeting promotions to an individual associated with a vehicle including generating a promotion associated with the vehicle maintenance event. That is, the vehicle includes sensors to detect a vehicle maintenance event, which is used to generate a promotion. The Office Action acknowledges the inadequacy of Megzer to disclose a system or method for generating a promotion associated with the vehicle maintenance event. The Office Action, however, attempts to overcome such inadequacy by employing Scroggie's incentive distribution system for providing, from a plurality of providers, purchase incentive offers to qualified customers over the Internet (page 18, line 21 to page 18, line 29). The customer enters

a valid zip code and the system generates an electronic coupon associated with a retail store located in the customer's zip code (page 14, line 24 to page 15, line 2). Even though Scroggie discloses how to generate an electronic coupon (pages 16-18), Scroggie fails to disclose, teach or suggest generating a promotion associated with the vehicle maintenance event as recited in claim

1. In Scroggie, the generation of the promotion is in response to a customer input or a prior event (e.g., a prior purchase) rather than in response to detecting a vehicle maintenance event.

Therefore, the inadequacy of Megzer is not satisfied by the modification suggested by the Office Action; so even if the proposed combination was taught, suggested or motivated by the cited art,

which it is not, the combination would still be inadequate to render claim 1 unpatentable.

Furthermore, both Megzer and Scroggie fail to provide a motivation to combine a vehicle diagnostic system (Megzer) with an Internet shopping and incentive system (Scroggie).

Accordingly, the rejection of claim 1 should be withdrawn.

Claims 2-11

Claims 2-11 all depend from independent claim 1. All these dependent claims define the method of targeting promotions to an individual associated with a vehicle with greater particularity and thus further distinguish over Megzer, Scroggie, Park and the other references of record. For this reason, and for the reasons set forth above with respect to independent claim 1, the rejections of these dependent claims should be withdrawn.

The other references of record have been reviewed in this case and do not disclose, teach or suggest the present invention as recited by the claims either individually or in any combination.

Conclusion

In view of the amendments and remarks, it is respectfully submitted that all the pending claims are in condition for allowance, and such action is earnestly solicited.

If the Examiner believes an interview would be helpful to advance this case, she is invited to contact the undersigned attorney.

Authorization to charge Deposit Account No. 08-2025 appears in the enclosed transmittal letter. Furthermore, if any additional extension is required, then Applicant hereby requests such an extension.

Respectfully submitted,

SNELL & WILMER L.L.P.

I hereby certify that this document and fee is being deposited on June 23, 2004 with the U.S. Postal Service as first class mail under 37 C.F.R. § 1.8 and is addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Signature

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